



# University of Hawaii at Manoa

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RL:0305

## Proposal 540 RELATING TO REGULATION OF NATURAL RESOURCES

Statement for  
Con Con Committee on Environment, Agriculture,  
Conservation and Land  
Public Hearing 11 August 1978

by  
Doak C. Cox, Environmental Center

Proposal 540 would amend Article X, Section 2 of the Constitution to require regulation of natural resources by the Legislature in a manner similar to public utilities. There are problems with both the language and the substance of the proposal. This statement does not represent an institutional position of the University of Hawaii.

The legislature itself cannot reasonably regulate, but only provide for regulation through vesting of regulatory powers or duties in some executive body, as now provided in Section 2.

Regulation of natural resources themselves is provided by nature. What the Legislature can do is provide for regulation of the development and use of those resources.

The meaning of regulation in a manner similar to public utilities is not clear. It would be unwise to require natural resource development monopolies. Public utilities are in general monopolies approved and closely regulated by the State.